THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19250 OF 2005

DATED:1.9.2005

Between:

Subodh Kumar Sanghi

S/o.G.P.Sanghi,

R/o.Plot No.36, Sainagar,

New Bakaram, Hyderabad and another

…Petitioners

And

Municipal Corporation of Hyderabad,

Rep. by its Commissioner, Tankbund Road, Hyderabad

and others

…Respondents

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ORDER:

The petitioner filed the present Writ Petition seeking a direction to respondents 1 and 2 to take action against third respondent who constructed a commercial complex known as Alto's A & M Trade Centre in premises No.3-6-561 to 3-6-561/2, Himayathnagar, Hyderabad. It is the allegation of the petitioners that third respondent obtained permission from first respondent Corporation and made construction in gross deviation of sanctioned plan and that in spite of petitioners approaching the respondents 1 and 2 that third respondent is running a hotel in common area by storing L.P.G. Cylinders which is hazardous, respondents 1 and 2

have not taken any action.

When the matter was called Yesterday, this Court directed the learned Standing Counsel for Municipal Corporation of Hyderabad (MCH) Sri Ghanta Rama Rao to get instructions in the matter. Today, after getting instructions he submits that third respondent was granted permission for construction of cellar, ground plus four floors, whereas he deviated the plan and constructed, cellar, sub-cellar, ground and four floors. Therefore, MCH has given a notice under Section 452(1) of the Hyderabad Municipal Corporation Act, 1955. Aggrieved by the same, third respondent filed a suit being O.S.No.537 of 2002 on the file of the Court of IX Junior Civil Judge, City Civil Court, Hyderabad. He also submits that MCH is taking necessary steps for getting orders of injunction vacated passed by the said Court. In that view of the matter, no direction can be issued to first respondent as they have also initiated action against third respondent. Insofar as allegation of petitioners that third respondent is storing L.P.G. Cylinders in the area meant for common use, second respondent has to inspect the premises and take appropriate action.

Therefore, the Writ Petition is disposed of at the admission stage directing second respondent herein to consider the representation of the petitioners dt.17.7.2005 received by the office of second respondent on 28.7.2005 and take appropriate action keeping in view fire safety of the occupants of the building.

The Writ Petition is accordingly disposed of. No costs.

(V.V.S.RAO, J)

1.9.2005

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